



PUBLIC NOTICE

Federal Communications Commission
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Released: August 27, 2010

COMMENTS INVITED ON APPLICATION OF PELZER COMMUNICATIONS TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 10-172
Comp. Pol. File No. 948

SEP - 1 2010

FCC Mail Room

Comments Due: September 13, 2010

Section 214 Application Applicant: Pelzer Communications

On August 12, 2010, Pelzer Communications (Pelzer or Applicant), located at P.O. Box 8085, Silver Spring, Maryland 20907, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services in California, Colorado, District of Columbia, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, Pennsylvania, Texas, Virginia and Washington (Service Areas). On August 26, 2010, Pelzer filed an amendment to its application in order to update the record regarding notice to customers and to clarify the circumstances surrounding the proposed discontinuance.¹ Accordingly, Pelzer's application is deemed complete as of August 26, 2010.

Pelzer indicates that it currently provides Ethernet, frame relay, local access, local dial tone, long distance, PRI, private line, toll free, and other communications services to customers in Pelzer's Service Areas that have Verizon Business as their underlying carrier. Pelzer states that it currently provides these services to only nine customers in the Service Areas. Pelzer asserts that negotiations over disputed charges with Verizon Business have failed, and that Verizon Business has indicated that it will terminate service in a way that would affect the continued provision of these services to Pelzer's customers. Accordingly, Pelzer indicates that it will need to discontinue the above-mentioned services in the Service Areas on September 13, 2010, subject to regulatory approval. Pelzer, however, maintains that the proposed discontinuance will not result in harm to customers because Pelzer has been working actively to assist affected customers in moving to other providers who offer similar services, and customers with entities other than Verizon Business as their underlying carrier will not be affected by the proposed discontinuance. Pelzer indicates that on August 11, 2010 it sent notification letters that included the information required by section 63.71 of the rules to each affected customer via electronic mail. Pelzer states that on August 18, 2010 it sent notification letters in accordance with the requirements of section 63.71 of the rules via U.S. Mail, and that it also has contacted affected customers via telephone. Pelzer states that it is considered non-dominant with respect to the services to be discontinued.

¹ This amendment was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on August 27, 2010.

In accordance with section 63.71(c) of the Commission's rules, Pelzer's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Pelzer that the grant will not be automatically effective. In its application and notice to customers, Pelzer indicates that it anticipates discontinuing service on September 13, 2010, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of Pelzer's application and notice, absent further Commission action, Pelzer may terminate the affected services in the Service Areas on or after **September 27, 2010**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **September 13, 2010**. Such comments should refer to **WC Docket No. 10-172 and Comp. Pol. File No. 948**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. **Effective December 28, 2009, the Commission's contractor will only receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at the FCC Headquarters building, located at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554.** The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington,

D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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